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| APPLICATION NO.                                                                              | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.         | CONFIRMATION NO. |
|----------------------------------------------------------------------------------------------|-------------|----------------------|-----------------------------|------------------|
| 10/583,728                                                                                   | 06/20/2006  | Jean-Luc Bessede     | 292377US2PCT                | 6590             |
| 22850                                                                                        | 7590        | 12/26/2008           |                             |                  |
| OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.<br>1940 DUKE STREET<br>ALEXANDRIA, VA 22314 |             |                      | EXAMINER<br>DUVERNE, JEAN F |                  |
|                                                                                              |             |                      | ART UNIT                    | PAPER NUMBER     |
|                                                                                              |             |                      | 2839                        |                  |
|                                                                                              |             |                      | NOTIFICATION DATE           | DELIVERY MODE    |
|                                                                                              |             |                      | 12/26/2008                  | ELECTRONIC       |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
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|                              |                                      |                                       |  |
|------------------------------|--------------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/583,728 | <b>Applicant(s)</b><br>BESSEDE ET AL. |  |
|                              | <b>Examiner</b><br>Jean F. Duverne   | <b>Art Unit</b><br>2839               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 29-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-39 and 41-52 is/are rejected.
- 7) ☒ Claim(s) 40 and 53-55 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/20/2008</u> .                                               | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 29-37, 39, 41-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boucher (US patent 3,561,444).

In regard to claims 29-37, 39, 41-50, Boucher's device discloses an electrical contact member comprising: a strength-imparting base layer (see fig. 4) made of an electrically conductive material; and a coating layer formed from metallic silver and configured to come into contact with the two electrically conductive members, the coating layer being present over at least a portion of an outer surface of the base layer (33, 34), wherein the coating layer has a micro-structure formed by pure silver crystals, with a presence of nodules made of silver and of an additional metallic material formed by at least one additional metal that is different from silver (33, 34), the additional material being present in the coating. The voltage limitations and the arrangement of the electrical as recited only in the claims preamble do not add any patentability to the claims limitations. However, Boucher's device fails to explicitly disclose the silver as pure silver crystal with the presence of nodule and the proportion additional metal used. It would have obvious to one having ordinary skill in the art at the time the invention was made to have the silver as pure silver crystal with the presence of nodule and the

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proportion additional metal used, since it has been held to be within general skill in the art to select a known material on the basis of suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the silver as pure silver crystal with the presence of nodule and the proportion additional metal used in order to meet the system specification and requirement.

In regard to claim 51-52, Boucher's device discloses the aforementioned limitations including the switch or interrupter connected at 64. and the busbar (see figs 3-4).

In regard to claim 38, Boucher's device discloses the aforementioned limitations, but fails to explicitly disclose the shape as being a ring shape. It would have been obvious matter of design choice to have the electrical contact with the ring shape, since such a modification would have involved a mere change in shape of a component. A change in shape is generally recognizing as being within the level of ordinary skill in the art. In re Dailey, 149 USPQ 47 (CCPA 1976). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the electrical contact with the ring shape in order to meet the system specification and requirement.

***Conclusion***

***Allowable Subject Matter***

3. Claims 40, 53-55 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean F. Duverne whose telephone number is (571) 272-2091. The examiner can normally be reached on 9:00-7:30, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TC Patel can be reached on (571) 272-2098. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JFD

/Jean Frantz Duverne/

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Primary Examiner, Art Unit 2839